



March 25, 2005

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## ENGROSSED HOUSE BILL No. 1666

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DIGEST OF HB 1666 (Updated March 24, 2005 12:41 pm - DI 58)

**Citations Affected:** IC 15-6; noncode.

**Synopsis:** Dairy industry development board. Provides that the dairy industry development board instead of the treasurer of state has custody of money received as assessments under the dairy industry development law. Requires the board to establish a fund controlled by the board in which to deposit assessments. Requires the board to invest the money as other public funds are invested. Appropriates the money in the dairy industry development fund on June 30, 2005, to the board. Requires the board to submit its independent audit to the state board of accounts and the department of agriculture. Repeals the statute establishing the dairy industry development fund.

**Effective:** July 1, 2005.

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**Stutzman, Friend**

(SENATE SPONSOR — JACKMAN)

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January 19, 2005, read first time and referred to Committee on Agriculture and Rural Development.

February 14, 2005, reported — Do Pass.

February 17, 2005, read second time, ordered engrossed.

February 18, 2005, engrossed.

February 21, 2005, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

March 7, 2005, read first time and referred to Committee on Appropriations.

March 24, 2005, amended, reported favorably — Do Pass.

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EH 1666—LS 7290/DI 75+



March 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1666

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-6-4-16 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. The board shall do  
3 the following:

4 (1) Elect from among the board's members a chairperson, vice  
5 chairperson, secretary, treasurer, and other officers the board  
6 considers necessary.

7 (2) Employ personnel and contract for services that are necessary  
8 for the proper implementation of this chapter.

9 (3) Establish accounts in adequately protected financial  
10 institutions to receive, hold, and disburse funds accumulated  
11 under this chapter.

12 (4) Bond the treasurer and other persons as necessary to ensure  
13 adequate protection of funds received and administered by the  
14 board.

15 (5) Authorize the expenditure of funds and the contracting of  
16 expenditures to conduct proper activities under this chapter.

17 (6) Annually establish priorities and prepare and approve a budget

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consistent with the estimated resources of the board and the scope of this chapter.

(7) Provide for an independent audit, **provide the results of the audit to the state board of accounts and the department of agriculture**, and make the results of the audit available to all interested persons.

(8) Procure and evaluate data and information necessary for the proper implementation of this chapter.

(9) Formulate and execute assessment procedures and methods of collection.

(10) Establish procedures to annually inform all producers regarding board members, policy, expenditures, and programs for the preceding year.

(11) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within its authority.

(12) Take any other action necessary for the proper implementation of this chapter, including the adoption of rules under IC 4-22-2.

SECTION 2. IC 15-6-4-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. The board shall **remit deposit** all assessments received under this chapter ~~to the treasurer of state for deposit in the Indiana dairy industry development fund established by section 28~~ **the board under section 28.1** of this chapter.

SECTION 3. IC 15-6-4-28.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 28.1. (a) **The board shall establish and administer a fund for assessments received under this chapter. The fund is not a part of the state treasury.**

(b) **The board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.**

(c) **The board shall use the money in the fund to implement this chapter.**

(d) **The board may not use money in the fund to establish a program of its own but shall fund an active, ongoing, qualified program in Indiana as stated in 7 U.S.C. 4505 and the regulations adopted under that law. A qualified program that receives money under this subsection may use the money to jointly sponsor projects with any private or public organization for any of the**

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following:

- (1) Advertising and promotion.
- (2) Market research.
- (3) Nutrition and product research and development.
- (4) Nutrition and educational programs.
- (5) Any other activity to meet the objectives of this chapter.

SECTION 4. IC 15-6-4-28 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 5. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "board" refers to the Indiana dairy industry development board established by IC 15-6-4-9.

(b) The Indiana dairy industry development fund established by IC 15-6-4-28 is abolished.

(c) Money in the Indiana dairy industry development fund on June 30, 2005, is appropriated to the board.

(d) On July 1, 2005, the treasurer of state shall transfer all:

- (1) money in the Indiana dairy industry development fund;
- and
- (2) records relating to the Indiana dairy industry development fund;

to the board.

(e) The board shall deposit the money transferred by the treasurer of state under this SECTION into the fund established by the board under IC 15-6-4-28.1, as added by this act.

(f) This SECTION expires January 1, 2006.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1666, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

GUTWEIN, Chair

Committee Vote: yeas 11, nays 0.

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EH 1666—LS 7290/DI 75+



## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1666, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 15-6-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. The board shall do the following:

- (1) Elect from among the board's members a chairperson, vice chairperson, secretary, treasurer, and other officers the board considers necessary.
- (2) Employ personnel and contract for services that are necessary for the proper implementation of this chapter.
- (3) Establish accounts in adequately protected financial institutions to receive, hold, and disburse funds accumulated under this chapter.
- (4) Bond the treasurer and other persons as necessary to ensure adequate protection of funds received and administered by the board.
- (5) Authorize the expenditure of funds and the contracting of expenditures to conduct proper activities under this chapter.
- (6) Annually establish priorities and prepare and approve a budget consistent with the estimated resources of the board and the scope of this chapter.
- (7) Provide for an independent audit, **provide the results of the audit to the state board of accounts and the department of agriculture**, and make the results of the audit available to all interested persons.
- (8) Procure and evaluate data and information necessary for the proper implementation of this chapter.
- (9) Formulate and execute assessment procedures and methods of collection.
- (10) Establish procedures to annually inform all producers regarding board members, policy, expenditures, and programs for the preceding year.
- (11) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within its authority.
- (12) Take any other action necessary for the proper implementation of this chapter, including the adoption of rules

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under IC 4-22-2."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1666 as printed February 15, 2005.)

MEEKS, Chairperson

Committee Vote: Yeas 11, Nays 0.

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